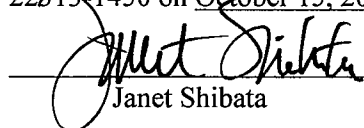


CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being electronically transmitted to the United States Patent and Trademark Office addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on October 15, 2008 (date of transmission) by Janet Shibata (Name of Transmitter).

 (Signature)
Janet Shibata

October 15, 2008
(Date of Signature)

Customer Number 020991

**PATENT
PD-201150**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Date: October 15, 2008

Ernest C. Chen

Serial No.: 10/692,491

Group Art Unit: 2619

Filed: October 24, 2003

Examiner: Duc Chi Ho

For: ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
PURSUANT TO MPEP 711.03 and 37 CFR § 1.181

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Applicant respectfully requests that abandonment of the above-referenced patent application be withdrawn, and the patent application be returned to the Examiner for further prosecution. The basis for Applicant's request is that a proper Request for Continued Examination (RCE) was filed by Applicant and successfully received at the United States Patent and Trademark Office (USPTO) prior to expiration of the statutory period for responding to the Notice of Allowance dated September 6, 2007 (copy attached as Exhibit I), i.e., before December 6, 2007. The facts set forth herein will show that the Notice of

Abandonment dated July 14, 2008 (copy attached as Exhibit II) was issued by the USPTO in error.

Pursuant to 37 CFR 1.114(a), if prosecution in the present application is closed, Applicant is permitted to request continued examination of the present application by filing a “submission” and the fee set forth in 37 CFR 1.17(e) prior to payment of the issue fee, abandonment of the application or filing of a notice of appeal. In response to the timely filing of such a request, the USPTO will enter and consider the “submission” (see 37 CFR 1.114(d)). However, in the present case, despite Applicant’s repeated timely submissions of proper RCE requests (see F3 and F5 below), the USPTO has failed to continue examination of the present application by entering and considering the amendment (i.e., the “submission”) filed with the RCE request. Despite Applicant’s proactive efforts to obviate the apparent problem of document misplacement at the USPTO (see F6-F9 below), Applicant has received a Notice of Abandonment (see F10), and now faces the substantial prejudice of the complete loss of potential patent rights to inventions disclosed in the present application.

POINTS TO BE REVIEWED

The main point for review is:

Whether Applicant properly filed a request for continued examination pursuant to 37 CFR 1.114, such that the Notice of Abandonment dated July 14, 2008 should be rescinded as being issued in error.

In considering this main point, the following underlying points P1-P5 should be considered:

P1. Whether Applicant’s request for continued examination (RCE), dated November 1, 2007, satisfied the fee requirement under 37 CFR 1.114, based on a pre-existing deposit account authorization (under 37 CFR 1.25(b)) in effect for the entire pendency of the present application.

P2. Based on P1, whether the USPTO issued the Notice of Non-Compliant RCE (dated November 20, 2007) in error.

P3. Whether Applicant's second RCE (dated November 20, 2007) was received by the USPTO.

P4. Whether Applicant's second RCE independently satisfied 37 CFR 1.114, i.e.:

- (a) Whether prosecution was closed when the USPTO issued the Notice of Allowance and Fee(s) Due on September 6, 2007;
- (b) Whether the second RCE was filed prior to payment of the issue fee, filing of a notice of appeal, or abandonment of the application;
- (c) Whether an amendment attached to the second RCE was a "submission" under 37 CFR 1.114(c); and
- (d) Whether an explicit deposit account charge authorization in the second RCE constituted the fee specified under 37 CFR 1.17(e).

P5. Whether the USPTO responded appropriately to Applicant's repeated efforts to have the second RCE considered.

FACTS

F1. On March 29, 2004, Applicant filed a Response to Notice to File Missing Parts (copy of document and USPTO-stamped receipt postcard attached as Exhibit III). Of specific relevance, this response document included authorization for the Commissioner to charge Applicant's deposit account 50-0383 "pursuant to 37 CFR 1.25(b), any fees whatsoever which may properly become due or payable, as set forth in 37 CFR 1.16 to 1.17 inclusive, for the entire pendency of this application without specific additional authorization" (see Exh. III, p. 2).

F2. On September 14, 2007, Applicant received a Notice of Allowance and Fee(s) Due (copy attached as Exhibit I), dated September 6, 2007. The statutory period for

responding to the Notice of Allowance and Fee(s) Due (e.g., by paying the issue fee or filing an RCE) is specifically identified by the “date due” of December 6, 2007.

F3. On November 1, 2007, Applicant filed a first Request for Continued Examination (copy attached as Exhibit IV, hereafter referred to as “RCE1”), including RCE transmittal form PTO/SB/30 and an amendment satisfying the submission requirement under 37 CFR 1.114. No fee under 37 CFR 1.17(e) was attached to RCE1; however, the USPTO has standing authorization to charge any fees due under 37 CFR 1.16 to 1.17 to Applicant’s deposit account (see F1 above and Exh. III).

F4. On November 20, 2007, Applicant received from the USPTO a Notice of Improper RCE dated November 8, 2007 (copy attached as Exhibit V). The Notice of Improper RCE indicates that “[t]he request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114.”

F5. Also on November 20, 2007, subsequent to receipt of the Notice of Improper RCE dated November 8, 2007, Applicant filed, via facsimile, a second Request for Continued Examination (copy attached as Exhibit VI, hereafter referred to as “RCE2”), intended to supersede RCE1. RCE2 included RCE transmittal form PTO/SB/30 and the amendment satisfying the submission requirement under 37 CFR 1.114. In addition, RCE2 included on the face of transmittal PTO/SB/30 Applicant’s Deposit Account Number for charging purposes and the appropriate boxes checked for the RCE fee (see Exh. VI). A USPTO Auto Reply Receipt (copy attached as Exhibit VII) was received back, indicating that RCE2 had been successfully received at the USPTO on November 20, 2007.

F6. On January 10, 2008, Anthony Orler (Applicant’s patent counsel under customer number 20991) called Examiner of Record, Duc Chi Ho, regarding the absence of any record of the RCE2 filing in the USPTO PAIR database. At Examiner Ho’s request, Applicant transmitted a copy of RCE2 (copy attached as Exhibit VIII) directly to Examiner Ho’s facsimile number, so that Examiner Ho could discuss it with his supervisor the

following day. Examiner Ho was provided with Applicant's return phone number for any follow-up (see copy of Anthony Orlor's contemporaneous note, attached as Exhibit IX).

F7. On January 14, 2008, Examiner Ho called Applicant and spoke with Paralegal Karen Lum, at which time Examiner Ho indicated that the RCE2 filing was being docketed (see Karen Lum's January 14, 2008 contemporaneous annotation on Exh. IX).

F8. On May 6, 2008, Jason Feldmar (Applicant's patent counsel under customer number 20991) contacted Examiner Ho at his direct USPTO phone line to discuss the continued absence of the RCE2 filing from the PAIR database. Jason Feldmar sent an email to Examiner Ho's USPTO email, outlining the telephone call to Examiner Ho (copy attached as Exhibit X).

F9. On June 12, 2008, Applicant filed a formal Notification to the PTO of Previously Filed Correspondence (copy attached as Exhibit XI) under MPEP 512 and 37 CFR 1.8(b), requesting consideration of the RCE filed on November 20, 2007 (i.e., "RCE2"), and enclosing a copy of the previously transmitted RCE2 in its entirety. A USPTO Auto Reply Receipt (copy attached to Exh. XI) was received back, indicating that the Notification to the PTO of Previously Filed Correspondence had been successfully received at the USPTO on June 12, 2008.

F10. On July 14, 2008, the USPTO issued a Notice of Abandonment indicating that the present application is abandoned in view of "Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance." Additionally, the Notice of Abandonment indicates that the reason for abandonment is "[i]mproper RCE" (see Exh. II).

ARGUMENT

I. Applicant submitted RCE1 and RCE2 after prosecution was closed, as defined in 37 CFR 1.114(b).

According to 37 CFR 1.114(b), “[p]rosecution in an application is closed as used in this section means that the application is under appeal, or that the last Office action is a final action (§ 1.113), a notice of allowance (§ 1.311), or an action that otherwise closes prosecution in the application” (emphasis added). In this case, prosecution was closed on September 6, 2007, the mail date of the Notice of Allowance (see F2 and Exh. I). RCE1 and RCE2 were both subsequently filed in November 2007 (see F3 and F5 above, also see Exhs. IV, VI and VII), i.e., after prosecution was closed by the Notice of Allowance.

II. Applicant timely submitted RCE1 and RCE2 pursuant to 37 CFR 1.114(a).

37 CFR 1.114(a) states that “[i]f prosecution in an application is closed, an applicant may request continued examination of the application ... prior to the earliest of: (1) [p]ayment of the issue fee...; (2) [a]bandonment of the application; or (3) [t]he filing of a notice of appeal” (Emphasis added.) At the time that RCE1 and RCE2 were filed in November of 2007 (see F3 and F5, Exhs. IV and VI), Applicant had not paid the issue fee in the present application, nor had Applicant abandoned the application or filed a notice of appeal. In fact, Applicant filed RCE1 and RCE2 in lieu of paying the issue fee, and did so prior to expiration of the statutory period for paying the issue fee, i.e., December 6, 2007 (see F2 above and Exh. I). Thus, considering either RCE1 or RCE2, Applicant’s request for continued examination under 37 CFR 1.114 was timely submitted to the USPTO.

III. The USPTO contemporaneously confirmed receipt of RCE1 and RCE2.

RCE1 was transmitted via facsimile to USPTO fax number 571-273-8300 on November 1, 2007, including one cover page, an RCE transmittal form PTO/SB/30 in

duplicate, and a nine-page amendment – for a total of twelve pages. Applicant's facsimile machine confirmed transmission of the same. Likewise, Applicant received confirmation of receipt from the USPTO in the form of an auto-reply facsimile transmission, reporting twelve pages received on November 1, 2007 (see F3 and Exh. IV).

To obviate the Notice of Improper RCE dated November 8, 2007 (see F4, Exh. V), Applicant filed a new RCE (i.e., RCE2) the same day the Notice of Improper RCE was received (see F5, Exh. VI). RCE2 was transmitted via facsimile to USPTO fax number 571-273-8300 on November 20, 2007, including one cover page, an RCE transmittal form PTO/SB/30 in duplicate, and a nine-page amendment – for a total of twelve pages. Applicant's facsimile machine confirmed transmission of the same. Likewise, Applicant received confirmation of receipt from the USPTO in the form of an auto-reply facsimile transmission, reporting twelve pages received on November 20, 2007 (see F5 and Exh. VII).

IV. RCE1 and RCE2 included a proper “submission” under 37 CFR 1.114(c).

Per 37 CFR 1.114, a proper request for continued examination requires a “submission,” which may be satisfied, for example, by an information disclosure statement or an amendment to the written description, claims or drawings (see 37 CFR 1.114(c)). Both RCE1 and RCE2 included a nine-page amendment, which amended the specification and identified a number of related applications (see Exhs. IV and VI). Thus, RCE1 and RCE2 each met the “submission” requirement under 37 CFR 1.114.

V. **By authorization to charge Applicant's deposit account, RCE1 and RCE2 included the fee set forth in 37 CFR 1.17(e) in fulfillment of 37 CFR 1.114(a).**

A. **Under 37 CFR 1.25(b), Applicant's continuing charge authorization satisfied the fee requirement of 37 CFR 1.114(a).**

As of March 29, 2004, pursuant to 37 CFR 1.25(b), Applicant provided standing authorization to the USPTO to charge Applicant's deposit account 50-0383 "*any fees whatsoever which may properly become due or payable, as set forth in 37 CFR 1.16 to 1.17 inclusive, for the entire pendency of this application without specific additional authorization*" (see F1 above and Exh. III, p. 2; emphasis added). On this basis, the USPTO should have charged the RCE fee under 37 CFR 1.17(e) to Applicant's deposit account when RCE1 was filed November 1, 2008. Unfortunately, despite the standing charge authorization, the USPTO issued a Notice of Improper RCE, stating that the request was not accompanied by the fee set forth in 37 CFR 1.17(e) (see F4, Exh. V). Under 37 CFR 1.25(b), so long as sufficient funds were in the designated deposit account, the request for continued examination (e.g., via form PTO/SB/30, in Exh. IV), coupled with the pre-existing fee authorization (from Exh. III), represents the timely submission of the fee under 37 CFR 1.17(e) as of the date of filing of the RCE request. On November 1, 2007, Applicant's deposit account 50-0383 had a balance of over \$95,000.00 (see the copy of Monthly Statement of Deposit Account attached as Exhibit XII). Based on the foregoing, Applicant submits that RCE1 included the fee required by 37 CFR 1.114(a). Thus, the Notice of Improper RCE dated November 8, 2007, and hence the Notice of Abandonment dated July 14, 2008, were issued in error.

B. Applicant's filing of RCE2 included a specific authorization to charge Applicant's deposit account.

Applicant filed RCE2 on November 20, 2007, to supersede RCE1. In contrast to RCE1, RCE2 included a specific authorization to charge Applicant's deposit account, including checkmarks in the corresponding fee boxes of form PTO/SB/30 (see F5 and Exh. VI). Thus, RCE2 included the fee set forth by 37 CFR 1.17(e) in satisfaction of 37 CFR 1.114, without reliance on 37 CFR 1.25(b).

VI. The USPTO has failed to consider or respond to Applicant's second request (RCE2), despite Applicant's repeated efforts to obtain such consideration.

Applicant notes that the USPTO has not asserted any deficiencies in the filing of RCE2. However, Applicant's perception is that the USPTO has not duly considered RCE2, nor even accounted for RCE2 in the PAIR database. Applicant has made repeated proactive attempts to rectify any problems due to possible misplacement of RCE2 at the USPTO, including communications with the Examiner and provision of copies of RCE2 as filed (see F6-F8). Most recently, on June 12, 2008, Applicant submitted a Notification to the PTO of Previously Filed Correspondence under 37 CFR 1.8(b), once again requesting consideration of RCE2 and providing another complete copy of RCE2, including the auto-reply facsimile transmission by the USPTO evidencing proper receipt of all pages on November 20, 2008 (see F9 and Exh. XI). Under 37 CFR 1.8(b), the USPTO should have entered RCE2 in the PALM database with the proper filing date of November 20, 2007. However, though the USPTO confirmed receipt of the June 12th Notification, the next action taken by the USPTO was to issue the Notice of Abandonment, without any reference to RCE2 or the June 12th Notification (see F10 and Exh. I).

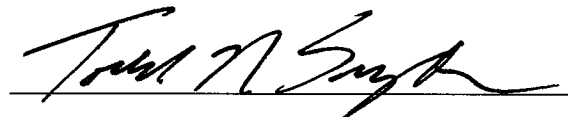
CONCLUSION

In view of the forgoing, it is respectfully requested that the holding of abandonment be withdrawn. Based on either one of RCE1 or RCE2, Applicant has timely and properly requested continued examination of the present application. RCE1 was not improper because the required fee was pre-authorized under 37 CFR 1.25(b) (see F1, Exh. III). Yet, even if RCE1 is still held to be improper, RCE2 was timely and properly filed (see F5, Exh. VI and VII). Any error in entering RCE2 into the PALM database with the filing date of November 20, 2007 should properly have been corrected by the USPTO in response to Applicant's Notification to the PTO of Previously Filed Correspondence under 37 CFR 1.8(b) (see F9, Exh. XI). Therefore, Applicant respectfully submits that the present application was never abandoned, and is entitled to continued examination for consideration of the amendment commonly submitted in RCE1 and RCE2.

The Commissioner is hereby authorized to charge Applicant's deposit account 50-0383 for any fees required in connection with this filing.

Respectfully submitted,

Date: October 15, 2008



Todd N. Snyder, Registration No. 41,320
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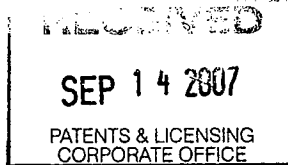
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NOTICE OF ALLOWANCE AND FEE(S) DUE

20991 7590 09/06/2007

THE DIRECTV GROUP, INC.
PATENT DOCKET ADMINISTRATION
CA / LA1 / A109
P O BOX 956
EL SEGUNDO, CA 90245-0956



EXAMINER	
HO, DUC CHI	
ART UNIT	PAPER NUMBER
✓ 2616	
DATE MAILED: 09/06/2007	

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
✓ 10/692,491	✓ 10/24/2003	Ernest C. Chen	PD-201150	1850
TITLE OF INVENTION: ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT				

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	12/06/2007

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE
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Alexandria, Virginia 22313-1450
or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

20991 7590 09/06/2007

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,491	10/24/2003	Ernest C. Chen	PD-201150	1850

TITLE OF INVENTION: ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$300	\$0	\$1700	12/06/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
HO, DUC CHI	2616	370-316000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,491	10/24/2003	Ernest C. Chen	PD-201150	1850

EXAMINER	
HO, DUC CHI	

ART UNIT	PAPER NUMBER
2616	

MAIL DATE	DELIVERY MODE
07/14/2008	PAPER

7590 07/14/2008
THE DIRECTV GROUP, INC.
PATENT DOCKET ADMINISTRATION
CA / LA1 / A109
2230 E. IMPERIAL HIGHWAY
EL SEGUNDO, CA 90245

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Notice of Abandonment

This application is abandoned in view of:

1. ☐ The applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the period for reply (including a total extension of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113(a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of:
 - (1) a timely filed amendment which places the application in condition for allowance;
 - (2) a timely filed Notice of Appeal (with appeal fee);
 - (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box e below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission date _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____.

The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawing have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filling of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☒ The reason(s) below:

Improper RCE,

Petitions to revive under 37 CFR 1.137(a) or (b), or request to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Telephone inquiries should be directed to the Office of Data Management at (571) 272-4200.

Patent Publication Branch
Office of Data Management

Attachment to Notice of Abandonment

For questions concerning the notice contact Office of Patent Publication Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing; 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 571-273-8300

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

PATENT
PD-201150
Customer No. 020991

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ernest C. Chen :
Serial No.: 10/692,491 : Group Art Unit: 2661
Filed: October 24, 2003 : Examiner: To Be Determined
For: ONLINE OUTPUT MULTIPLEXER
FILTER MEASUREMENT

RESPONSE TO NOTICE TO FILE MISSING PARTS

This is in response to the Notice to File Missing Parts dated February 3, 2004.

X Transmitted herewith for filing is the declaration of inventor: Ernest C. Chen.

_____ Transmitted herewith for filing are _____ sheet(s) of formal drawings.

X The filing fee for this application is calculated below, and has been previously paid:

	CLAIMS AS FILED			
	NUMBER FILED	NUMBER EXTRA	RATE	
For:				
Basic Fee				\$770.00
Total Claims	26 - 20 =	6 x	\$18.00	\$108.00
Independent Claims	3 - 3 =	0 x	\$86.00	\$0.00
Multiple Dependent Claims		0 x	\$290.00	\$0.00
TOTAL FILING FEE :				\$878.00

_____ Please charge Deposit Account No. 50-0383 of Hughes Electronics, El Segundo, California, in the amount of \$0.00. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to that account.

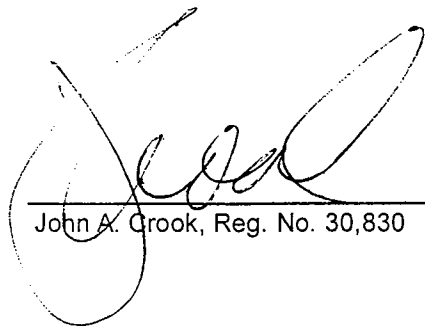
X Please charge Deposit Account No. 50-0383 of Hughes Electronics, El Segundo, California, in the amount of \$130.00 for the required Surcharge pursuant to 37 CFR 1.27. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to that account.

_____ This is a petition for an extension of time pursuant to 37 CFR 1.136, for _____ month(s) extension of time. If an additional Extension of Time is required, please consider this a petition therefor. Please also charge Deposit Account No. 50-0383 of Hughes Electronics, El Segundo, California, in the amount of \$_.00 for the required extension fee pursuant to 37 CFR 1.17. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to that account.

X The Commissioner is further hereby authorized to charge to said above Deposit Account No. 50-0383, pursuant to 37 CFR 1.25(b), any fees whatsoever which may properly become due or payable, as set forth in 37 CFR 1.16 to 1.17 inclusive, for the entire pendency of this application without specific additional authorization.

This form is submitted in triplicate.

Date: March 29, 2004



John A. Crook, Reg. No. 30,830

HUGHES ELECTRONICS CORPORATION
P.O. Box 956
RE / R11 / A109
El Segundo, CA 90245
Telephone: 303/712.5044

I hereby certify that this paper (or fee) is being deposited with the United States Postal Service as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:



Signature

Dana J. Warnquist
Typed or printed name of person signing Certificate

Date: March 29, 2004

Auto-reply fax to 310964091 COMPANY:

Auto-Reply Facsimile Transmission



TO:

Fax Sender at 3109640941

Fax Information

Date Received:

11/1/2007 8:04:45 PM [Eastern Daylight Time]

Total Pages:

12 (including cover page)

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Received
Cover
Page

=====>

11/01/2007 17:04 FAX 3109640941		DIRECTV PATENTS		001/012	
FAX COVER SHEET					
PLEASE CONFIRM RECEIPT OF THIS FACSIMILE					
Attention:	MAIL STOP RCE Group Art Unit: 2616 Examiner: HO, Duc Chi		Fax:	(571) 273-8300	
UNITED STATES PATENT AND TRADEMARK OFFICE			Phone:	(571) 272-3147	
Pages:	Cover + 1 + 1 + 9 = 12		Date:	November 1, 2007	
From:	Victor G. Cooper		Fax:	(310) 964-0941	
			Phone:	(310) 964-0735	
<p>The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address below via the U.S. Postal Service. Thank you.</p>					
CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8					
<p>I hereby certify that this correspondence identified below is being facsimile transmitted to (571) 273-8300 (Centralized Facsimile Number), addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 1, 2007.</p>					
 Janet Shibata Telephone No. (310) 964-4815 (Printed Name of Person Signing Certificate)			November 1, 2007 (Date of Signature)		
Attention: Commissioner for Patents			Attorney Docket No. PD-201160		
Please find attached Re:					
Serial No.: 10/692,491			Filing Date: 10-24-2003		
> REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)					
> PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (9 pages)					
If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.					
The DirecTV Group, Inc., CA/LA/1/A109, P. O. Box 956, El Segundo CA 90245					
PAGE 1/12 * RCVD AT 11/1/2007 8:04:45 PM [Eastern Daylight Time] * SVR:USPTO-EF:XR-6/6 * DNS:2738300 * CSID:3109640941 * DURATION (mm:ss):02:00					

*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 0172
RECIPIENT ADDRESS 15712738300
DESTINATION ID
ST. TIME 11/01 17:04
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FAX COVER SHEET

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Attention:	MAIL STOP RCE Group Art Unit: 2616 Examiner: HO, Duc Chi	Fax:	(571) 273-8300
UNITED STATES PATENT AND TRADEMARK OFFICE		Phone:	(571) 272-3147
Pages:	Cover + 1 + 1 + 9 = 12	Date:	November 1, 2007
From:	Victor G. Cooper	Fax:	(310) 964-0941
		Phone:	(310) 964-0735

The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address below via the U.S. Postal Service. Thank you.

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Janet Shibata

November 1, 2007
(Date of Signature)

Telephone No. (310) 964-4615 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

EXHIBIT IV

FAX COVER SHEET

PLEASE CONFIRM RECEIPT OF THIS FACSIMILE



Attention:	MAIL STOP RCE Group Art Unit: 2616 Examiner: HO, Duc Chi	Fax:	(571) 273-8300
UNITED STATES PATENT AND TRADEMARK OFFICE		Phone:	(571) 272-3147
Pages:	Cover + 1 + 1 + 9 = 12	Date:	November 1, 2007
From:	Victor G. Cooper	Fax:	(310) 964-0941
		Phone:	(310) 964-0735

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CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

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Janet Shibata

November 1, 2007
(Date of Signature)

Telephone No. (310) 964-4615 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692,491

Filing Date: 10-24-2003

- REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)
- PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (9 pages)

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

The DirecTV Group, Inc., CA/LA1/A109, P. O. Box 956, El Segundo CA 90245

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/692,491
Filing Date	10-24-2003
First Named Inventor	Ernest C. Chen
Art Unit	2619
Examiner Name	HO, Duc C.
Attorney Docket Number	PD-201150

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- iii. ☐ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/ Declaration(s)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to
- a. ☐ Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.
- i. ☐ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Victor G. Cooper</i>	Date	November 1, 2007
Name (Print/Type)	Victor G. Cooper	Registration No.	39,641

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Janet Shibata</i>	Date	November 1, 2007
Name (Print/Type)	Janet Shibata		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/692,491
Filing Date	10-24-2003
First Named Inventor	Ernest C. Chen
Art Unit	2619
Examiner Name	HO, Duc C.
Attorney Docket Number	PD-201150

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

- Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
 - ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
 - ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - ☐ Other _____
 - ☒ Enclosed
 - ☒ Amendment/Reply
 - ☐ Affidavit(s)/ Declaration(s)
 - ☐ Information Disclosure Statement (IDS)
 - ☐ Other _____
- Miscellaneous**
 - ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(l) required)
 - ☐ Other _____
- Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to
 - ☐ Deposit Account No. _____. I have enclosed a duplicate copy of this sheet.
 - ☐ RCE fee required under 37 CFR 1.17(e)
 - ☐ Extension of time fee (37 CFR 1.136 and 1.17)
 - ☐ Other _____
 - ☐ Check in the amount of \$ _____ enclosed
 - ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Victor G. Cooper</i>	Date	November 1, 2007
Name (Print/Type)	Victor G. Cooper	Registration No.	39,641

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Janet Shibata</i>	Date	November 1, 2007
Name (Print/Type)	Janet Shibata		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ernest C. Chen	Examiner:	Duc C. Ho
Serial No.:	10/692,491	Group Art Unit:	2619
Filed:	10-24-2003	Docket:	PD-201150
Title:	ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on November 1, 2007.

By: 

Name: Janet Shibata

PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Request for Continued Examination, prior to a first Office Action, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

Please insert the following at page 1, line 14:

This Application is related to the following applications:

Application Serial No. 11/653,517, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on January 16, 2007, by Ernest C. Chen, which is a continuation of application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/165,710, entitled "SATELLITE TWTA ON-LINE NON-LINEARITY MEASUREMENT," filed on June 7, 2002, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/236,414, entitled "SIGNAL, INTERFERENCE AND NOISE POWER MEASUREMENT," filed on September 6, 2002, by Ernest C. Chen and Chinh Tran, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,135, entitled "LAYERED MODULATION FOR ATSC APPLICATIONS," filed on October 24, 2003, by Ernest C. Chen, which claims benefit to Provisional Patent Application 60/421,327, filed October 25, 2002 and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/913,927, entitled "CARRIER TO NOISE RATIO ESTIMATIONS FROM A RECEIVED SIGNAL," filed on August 5, 2004, by Ernest C. Chen, which is a continuation in part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial Number 11/619,173, entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed January 2, 2007, which is a continuation of Application Serial No. 10/068,039,

entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru now issued as U.S. Patent No. 7,245,671, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,421, entitled "FAST ACQUISITION OF TIMING AND CARRIER FREQUENCY FROM RECEIVED SIGNAL," filed on October 24, 2003, by Ernest C. Chen, now issued as U.S. Patent No. 7,151,807, which claims priority to Provisional Patent Application Serial No. 60/421,292, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/603,776, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on November 22, 2006, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, which is a continuation of Application Serial No. 10/068,047, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, now issued as U.S. Patent No. 7,173,981, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/691,032, entitled "UNBLIND EQUALIZER ARCHITECTURE FOR DIGITAL COMMUNICATION SYSTEMS," filed on October 22, 2003, by Weizheng W. Wang, Tung-Sheng Lin, Ernest C. Chen, and William C. Lindsey, which claims priority to Provisional Patent Application Serial No. 60/421,329, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/962,346, entitled "COHERENT AVERAGING FOR MEASURING TRAVELING WAVE TUBE AMPLIFIER NONLINEARITY," filed on October 8, 2004, by Ernest C. Chen, which claims priority to Provisional Patent Application Serial No. 60/510,368, filed October 10, 2003, and which is a continuation-in-part of Application Serial No.

09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/655,001, entitled "AN OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on January 18, 2007, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, attorney's docket number PD-202128A, which claims priority to Provisional Patent Application 60/421,293, filed October 25, 2002, and which is a continuation of Application Serial No. 10/693,140, entitled "OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on October 24, 2003, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, now issued as U.S. Patent No. 7,184,489, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/656,662, entitled "EQUALIZERS FOR LAYERED MODULATION AND OTHER SIGNALS," filed on January 22, 2007, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, which claims priority to Provisional Patent Application 60/421,241, filed October 25, 2002, and which is a continuation of Application Serial No. 10/691,133, entitled "EQUALIZERS FOR LAYERED MODULATED AND OTHER SIGNALS," filed on October 22, 2003, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, now issued as U.S. Patent No. 7,184,473, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/961,579, entitled "EQUALIZATION FOR TWTA NONLINEARITY MEASUREMENT" filed on October 8, 2004, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,632, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed on April 25, 2005, by Ernest C. Chen, Weizheng W. Wang, Tung-Sheng Lin, Guangcai Zhou, and Joseph Santoru, which is a National Stage Application of PCT US03/32264, filed October 10, 2003, which claims priority to Provisional Patent Application 60/421,331, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed October 25, 2002, by Ernest C. Chen, Weizheng W. Wang, Tung-

Sheng Lin, Guangcai Zhou, and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,631, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 25, 2005, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, which is a National Phase Application of PCT US03/33255, filed October 20, 2003, which claims priority to Provisional Patent Application 60/421,328, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed October 25, 2002, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,619, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATIONS," filed on April 25, 2005, by Ernest C. Chen, which is a National Phase Application of PCT Application US03/32800, filed October 16, 2003, which claims priority to Provisional Patent Application 60/421,288, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATION," filed October 25, 2002, by Ernest C. Chen and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524,

Application Serial No. 10/532,524, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed on April 25, 2005, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungeon Oh, which is a National Phase Application of PCT Application US03/31199, filed October 3, 2003, which claims priority to Provisional Patent Application 60/421,332, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed October 25, 2002, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungeon Oh, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524, and also claims priority to ;

Application Serial No. 10/532,582, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN

LAYERED MODULATION SYSTEMS,” filed on April 25, 2005, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, now issued as U.S. Patent No. 7,173,977, which is a National Stage Application of PCT Application US03/32751, filed October 15, 2003, which claims priority to Provisional Patent Application 60/421,333, entitled “METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN LAYERED MODULATION SYSTEMS,” filed October 25, 2002, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,509, entitled “ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER,” filed on April 25, 2005, by Ernest C. Chen and Shamik Maitra, now issued as U.S. Patent No. 7,230,480, which is a National Stage Application of PCT Application US03/33130 filed October 17, 2003, and which claims priority to Provisional Patent Application 60/421,289, entitled “ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER,” filed October 25, 2002, by Ernest C. Chen and Shamik Maitra, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,322, entitled “IMPROVING HIERARCHICAL 8PSK PERFORMANCE,” filed on December 23, 2004 by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/020862 filed July 1, 2003, which claims priority to Provisional Patent Application 60/392,861, filed July 1, 2002 and Provisional Patent Application 60/392,860, filed July 1, 2002, and which is also related to Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,375, entitled “METHOD AND APPARATUS FOR LAYERED MODULATION,” filed on July 3, 2003, by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/20847, filed July 3, 2003, which claims priority to Provisional Patent Application 60/393,437 filed July 3, 2002, and which is related to Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524; and

Serial No. 10/692,491

Application Serial No. 10/692,539, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION", filed October 24, 2003, by Ernest C. Chen, which claims priority from Provisional Patent Application 60/421,291, filed October 25, 2002, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION".

REMARKS

I. INTRODUCTION

In conjunction with the filing of a Request for Continued Examination, please amend the specification as indicated above. Claims 1-4, 6-13, 15-21, and 23-26 remain in the application. No new matter has been added. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CROSS REFERENCE TO RELATED APPLICATIONS

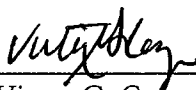
Upon review of several cases in light of upcoming rule changes at the United States Patent and Trademark Office, Applicants attorneys noted that several cases may be related to the present application. In order to comply with the new rules and with other requirements, such cases have been identified without incorporating the related cases by reference. Hence, no new matter has been added. The Examiner is encouraged to review these cases for related art, and actions although Applicant believes that all art and publications material to patentability to the present application has been cited during prosecution of this application.

III. CONCLUSION

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: November 1, 2007

By: 
Name: Victor G. Cooper
Reg. No.: 39,641

The DIRECTV Group, Inc.
CA/LA1/A109
2230 E. Imperial Highway
P. O. Box 956
El Segundo CA 90245

Telephone No. (310) 964-0735



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,491	10/24/2003	Ernest C. Chen	PD-201150	1850
20991 7590 11/08/2007 THE DIRECTV GROUP, INC. PATENT DOCKET ADMINISTRATION CA / LA1 / A109 P O BOX 956 EL SEGUNDO, CA 90245-0956			EXAMINER HO, DUC CHI	
RECEIVED NOV 20 2007 PATENTS & LICENSING CORPORATE OFFICE			ART UNIT PAPER NUMBER	
			2616	
			MAIL DATE	DELIVERY MODE
			11/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)	Application No. 10/692,491	Applicant(s) CHEN, ERNEST C.	
		Art Unit 2616	Date Mailed:

The request for continued examination (RCE) under 37 CFR 1.114 filed on 31 October, 2007 is improper for reason(s) indicated below:

1. ☐ Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d). An RCE cannot be treated as a CPA.
2. ☐ Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b).
3. ☐ Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
4. ☐ The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
5. ☐ The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
6. ☒ The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
7. ☐ The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: A continued prosecution application (CPA) under 37 CFR 1.53(d) cannot be filed in a utility or plant application. A CPA filed in a utility or plant application that has a filing date **on or after June 8, 1995** will be treated as an RCE under 37 CFR 1.114. The request for a CPA in the instant application, however, has been treated as an improper RCE for the reason(s) indicated above.

A copy of this Notice MUST be returned with the reply.

Direct any questions concerning this notice to

MARCIA J. GORDON, Technology Center 2600

Telephone Number: 571 272-3003

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UNITED STATES PATENT AND TRADEMARK OFFICE		Phone:	(571) 272-3147
Pages:	Cover + 2 + 9 = 12	Date:	November 20, 2007
From:	Victor G. Cooper	Fax:	(310) 964-0941
		Phone:	(310) 964-0735

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A handwritten signature in black ink, appearing to read 'Karen L. Lum'.

Karen L. Lum

November 20, 2007
(Date of Signature)

Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

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FAX COVER SHEET

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UNITED STATES PATENT AND TRADEMARK OFFICE		Phone:	(571) 272-3147
Pages:	Cover + 2 + 9 = 12	Date:	November 20, 2007
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A handwritten signature in black ink, appearing to read 'Karen L. Lum', written over a horizontal line.

Karen L. Lum

November 20, 2007
(Date of Signature)

Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692,491

Filing Date: 10-24-2003

- REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)
- PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (9 pages)

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

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Request for Continued Examination (RCE) Transmittal

Address to:
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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/692,491
Filing Date	OCTOBER 24, 2003
First Named Inventor	ERNEST C. CHEN
Art Unit	2619
Examiner Name	DUC C. HO
Attorney Docket Number	201150

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0383. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Victor G. Cooper</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	VICTOR G. COOPER	Registration No.	39, 641

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Signature	<i>Karen L. Lum</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	KAREN L. LUM		

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Application Number	10/692,491
Filing Date	OCTOBER 24, 2003
First Named Inventor	ERNEST C. CHEN
Art Unit	2619
Examiner Name	DUC C. HO
Attorney Docket Number	201150

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0383. I have enclosed a duplicate copy of this sheet.
- a. ☒ RCE fee required under 37 CFR 1.17(e)
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- b. ☐ Check in the amount of \$ _____ enclosed
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Victor G. Cooper</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	VICTOR G. COOPER	Registration No.	39, 641

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Signature	<i>Karen L. Lum</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	KAREN L. LUM		

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ernest C. Chen	Examiner:	Duc C. Ho
Serial No.:	10/692,491	Group Art Unit:	2619
Filed:	10-24-2003	Docket:	PD-201150
Title:	ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

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By: 

Name: Karen L. Lum

PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Request for Continued Examination, prior to a first Office Action, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

Please insert the following at page 1, line 14:

This Application is related to the following applications:

Application Serial No. 11/653,517, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on January 16, 2007, by Ernest C. Chen, which is a continuation of application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/165,710, entitled "SATELLITE TWTA ON-LINE NON-LINEARITY MEASUREMENT," filed on June 7, 2002, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/236,414, entitled "SIGNAL, INTERFERENCE AND NOISE POWER MEASUREMENT," filed on September 6, 2002, by Ernest C. Chen and Chinh Tran, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,135, entitled "LAYERED MODULATION FOR ATSC APPLICATIONS," filed on October 24, 2003, by Ernest C. Chen, which claims benefit to Provisional Patent Application 60/421,327, filed October 25, 2002 and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/913,927, entitled "CARRIER TO NOISE RATIO ESTIMATIONS FROM A RECEIVED SIGNAL," filed on August 5, 2004, by Ernest C. Chen, which is a continuation in part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial Number 11/619,173, entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed January 2, 2007, which is a continuation of Application Serial No. 10/068,039,

entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru now issued as U.S. Patent No. 7,245,671, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,421, entitled "FAST ACQUISITION OF TIMING AND CARRIER FREQUENCY FROM RECEIVED SIGNAL," filed on October 24, 2003, by Ernest C. Chen, now issued as U.S. Patent No. 7,151,807, which claims priority to Provisional Patent Application Serial No. 60/421,292, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/603,776, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on November 22, 2006, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, which is a continuation of Application Serial No. 10/068,047, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, now issued as U.S. Patent No. 7,173,981, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/691,032, entitled "UNBLIND EQUALIZER ARCHITECTURE FOR DIGITAL COMMUNICATION SYSTEMS," filed on October 22, 2003, by Weizheng W. Wang, Tung-Sheng Lin, Ernest C. Chen, and William C. Lindsey, which claims priority to Provisional Patent Application Serial No. 60/421,329, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/962,346, entitled "COHERENT AVERAGING FOR MEASURING TRAVELING WAVE TUBE AMPLIFIER NONLINEARITY," filed on October 8, 2004, by Ernest C. Chen, which claims priority to Provisional Patent Application Serial No. 60/510,368, filed October 10, 2003, and which is a continuation-in-part of Application Serial No.

09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/655,001, entitled "AN OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on January 18, 2007, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, attorney's docket number PD-202128A, which claims priority to Provisional Patent Application 60/421,293, filed October 25, 2002, and which is a continuation of Application Serial No. 10/693,140, entitled "OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on October 24, 2003, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, now issued as U.S. Patent No. 7,184,489, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/656,662, entitled "EQUALIZERS FOR LAYERED MODULATION AND OTHER SIGNALS," filed on January 22, 2007, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, which claims priority to Provisional Patent Application 60/421,241, filed October 25, 2002, and which is a continuation of Application Serial No. 10/691,133, entitled "EQUALIZERS FOR LAYERED MODULATED AND OTHER SIGNALS," filed on October 22, 2003, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, now issued as U.S. Patent No. 7,184,473, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/961,579, entitled "EQUALIZATION FOR TWTA NONLINEARITY MEASUREMENT" filed on October 8, 2004, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,632, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed on April 25, 2005, by Ernest C. Chen, Weizheng W. Wang, Tung-Sheng Lin, Guangcai Zhou, and Joseph Santoru, which is a National Stage Application of PCT US03/32264, filed October 10, 2003, which claims priority to Provisional Patent Application 60/421,331, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed October 25, 2002, by Ernest C. Chen, Weizheng W. Wang, Tung-

Sheng Lin, Guangcai Zhou, and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,631, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 25, 2005, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, which is a National Phase Application of PCT US03/33255, filed October 20, 2003, which claims priority to Provisional Patent Application 60/421,328, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed October 25, 2002, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,619, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATIONS," filed on April 25, 2005, by Ernest C. Chen, which is a National Phase Application of PCT Application US03/32800, filed October 16, 2003, which claims priority to Provisional Patent Application 60/421,288, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATION," filed October 25, 2002, by Ernest C. Chen and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524,

Application Serial No. 10/532,524, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed on April 25, 2005, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungeon Oh, which is a National Phase Application of PCT Application US03/31199, filed October 3, 2003, which claims priority to Provisional Patent Application 60/421,332, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed October 25, 2002, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungeon Oh, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524, and also claims priority to ;

Application Serial No. 10/532,582, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN

LAYERED MODULATION SYSTEMS,” filed on April 25, 2005, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, now issued as U.S. Patent No. 7,173,977, which is a National Stage Application of PCT Application US03/32751, filed October 15, 2003, which claims priority to Provisional Patent Application 60/421,333, entitled “METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN LAYERED MODULATION SYSTEMS,” filed October 25, 2002, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,509, entitled “ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER,” filed on April 25, 2005, by Ernest C. Chen and Shamik Maitra, now issued as U.S. Patent No. 7,230,480, which is a National Stage Application of PCT Application US03/33130 filed October 17, 2003, and which claims priority to Provisional Patent Application 60/421,289, entitled “ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER,” filed October 25, 2002, by Ernest C. Chen and Shamik Maitra, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,322, entitled “IMPROVING HIERARCHICAL 8PSK PERFORMANCE,” filed on December 23, 2004 by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/020862 filed July 1, 2003, which claims priority to Provisional Patent Application 60/392,861, filed July 1, 2002 and Provisional Patent Application 60/392,860, filed July 1, 2002, and which is also related to Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,375, entitled “METHOD AND APPARATUS FOR LAYERED MODULATION,” filed on July 3, 2003, by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/20847, filed July 3, 2003, which claims priority to Provisional Patent Application 60/393,437 filed July 3, 2002, and which is related to Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524; and

Serial No. 10/692,491

Application Serial No. 10/692,539, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION", filed October 24, 2003, by Ernest C. Chen, which claims priority from Provisional Patent Application 60/421,291, filed October 25, 2002, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION".

REMARKS

I. INTRODUCTION

In conjunction with the filing of a Request for Continued Examination, please amend the specification as indicated above. Claims 1-4, 6-13, 15-21, and 23-26 remain in the application. No new matter has been added. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CROSS REFERENCE TO RELATED APPLICATIONS

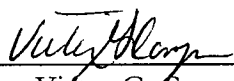
Upon review of several cases in light of upcoming rule changes at the United States Patent and Trademark Office, Applicants attorneys noted that several cases may be related to the present application. In order to comply with the new rules and with other requirements, such cases have been identified without incorporating the related cases by reference. Hence, no new matter has been added. The Examiner is encouraged to review these cases for related art, and actions although Applicant believes that all art and publications material to patentability to the present application has been cited during prosecution of this application.

III. CONCLUSION

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: November 20, 2007

By: 
Name: Victor G. Cooper
Reg. No.: 39,641

The DIRECTV Group, Inc.
CA/LA1/A109
2230 E. Imperial Highway
P. O. Box 956
El Segundo CA 90245-0956

Telephone No.: (310) 964-0735

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Attention: Commissioner for Patents			Attorney Docket No. PD-201150		
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PAGE 1/12 * RCVD AT 11/20/2007 8:51:55 PM (Eastern Standard Time) * SVR:USPTO-EFAXF-5/6 * DNS:2738300 * CSID:3109640941 * DURATION (mm:ss):02:18					

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Attorney Docket No. PD-201150
 Serial No.: 10/692,491
 Filing Date: 10-24-2003

Per our telephone conversation, please find attached the RCE filing of 11-20-2007, with the PTO Auto-Reply Facsimile Transmission. Thank you for your prompt attention to this matter.

Best regards,

 #41,232
 Anthony J. Orlor, Registration No. 41, 232

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Attorney Docket No. PD-201150

Serial No.: 10/692,491

Filing Date: 10-24-2003

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Best regards,

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Anthony J. Orlor, Registration No. 41, 232

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Karen L. Lum
Karen L. Lum

November 20, 2007
(Date of Signature)

Telephone No. (310) 964-0735 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692,491

Filing Date: 10-24-2003

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Karen L. Lum

November 20, 2007
(Date of Signature)

Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

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I hereby certify that this correspondence identified below is being facsimile transmitted to (571) 273-8300 (Centralized Facsimile Number), addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 20, 2007.

A handwritten signature in black ink, appearing to read "Karen L. Lum".

Karen L. Lum

November 20, 2007
(Date of Signature)

Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692,491

Filing Date: 10-24-2003

- REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)
- PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (9 pages)

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

The DirecTV Group, Inc., CA/LA1/A109, P. O. Box 956, El Segundo CA 90245

**Request
for
Continued Examination (RCE)
Transmittal**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/692,491
Filing Date	OCTOBER 24, 2003
First Named Inventor	ERNEST C. CHEN
Art Unit	2619
Examiner Name	DUC C. HO
Attorney Docket Number	201150

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. **Fees**

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0383. I have enclosed a duplicate copy of this sheet.
- a. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Victor G. Cooper</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	VICTOR G. COOPER	Registration No.	39, 641

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Karen L. Lum</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	KAREN L. LUM		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**
If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/692,491
Filing Date	OCTOBER 24, 2003
First Named Inventor	ERNEST C. CHEN
Art Unit	2619
Examiner Name	DUC C. HO
Attorney Docket Number	201150

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

- The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0383. I have enclosed a duplicate copy of this sheet.
- a. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Victor G. Cooper</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	VICTOR G. COOPER	Registration No.	39, 641

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature	<i>Karen L. Lum</i>
Name (Print/Type)	KAREN L. LUM
Date	NOVEMBER 20, 2007

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ernest C. Chen	Examiner:	Duc C. Ho
Serial No.:	10/692,491	Group Art Unit:	2619
Filed:	10-24-2003	Docket:	PD-201150
Title:	ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on November 20, 2007.

By: 

Name: Karen L. Lum

PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Request for Continued Examination, prior to a first Office Action, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

Please insert the following at page 1, line 14:

This Application is related to the following applications:

Application Serial No. 11/653,517, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on January 16, 2007, by Ernest C. Chen, which is a continuation of application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/165,710, entitled "SATELLITE TWTA ON-LINE NON-LINEARITY MEASUREMENT," filed on June 7, 2002, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/236,414, entitled "SIGNAL, INTERFERENCE AND NOISE POWER MEASUREMENT," filed on September 6, 2002, by Ernest C. Chen and Chinh Tran, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,135, entitled "LAYERED MODULATION FOR ATSC APPLICATIONS," filed on October 24, 2003, by Ernest C. Chen, which claims benefit to Provisional Patent Application 60/421,327, filed October 25, 2002 and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/913,927, entitled "CARRIER TO NOISE RATIO ESTIMATIONS FROM A RECEIVED SIGNAL," filed on August 5, 2004, by Ernest C. Chen, which is a continuation in part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial Number 11/619,173, entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed January 2, 2007, which is a continuation of Application Serial No. 10/068,039,

Serial No. 10/692,491

entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru now issued as U.S. Patent No. 7,245,671, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,421, entitled "FAST ACQUISITION OF TIMING AND CARRIER FREQUENCY FROM RECEIVED SIGNAL," filed on October 24, 2003, by Ernest C. Chen, now issued as U.S. Patent No. 7,151,807, which claims priority to Provisional Patent Application Serial No. 60/421,292, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/603,776, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on November 22, 2006, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, which is a continuation of Application Serial No. 10/068,047, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, now issued as U.S. Patent No. 7,173,981, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/691,032, entitled "UNBLIND EQUALIZER ARCHITECTURE FOR DIGITAL COMMUNICATION SYSTEMS," filed on October 22, 2003, by Weizheng W. Wang, Tung-Sheng Lin, Ernest C. Chen, and William C. Lindsey, which claims priority to Provisional Patent Application Serial No. 60/421,329, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/962,346, entitled "COHERENT AVERAGING FOR MEASURING TRAVELING WAVE TUBE AMPLIFIER NONLINEARITY," filed on October 8, 2004, by Ernest C. Chen, which claims priority to Provisional Patent Application Serial No. 60/510,368, filed October 10, 2003, and which is a continuation-in-part of Application Serial No.

09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/655,001, entitled "AN OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on January 18, 2007, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, attorney's docket number PD-202128A, which claims priority to Provisional Patent Application 60/421,293, filed October 25, 2002, and which is a continuation of Application Serial No. 10/693,140, entitled "OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on October 24, 2003, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, now issued as U.S. Patent No. 7,184,489, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/656,662, entitled "EQUALIZERS FOR LAYERED MODULATION AND OTHER SIGNALS," filed on January 22, 2007, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, which claims priority to Provisional Patent Application 60/421,241, filed October 25, 2002, and which is a continuation of Application Serial No. 10/691,133, entitled "EQUALIZERS FOR LAYERED MODULATED AND OTHER SIGNALS," filed on October 22, 2003, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, now issued as U.S. Patent No. 7,184,473, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/961,579, entitled "EQUALIZATION FOR TWTA NONLINEARITY MEASUREMENT" filed on October 8, 2004, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,632, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed on April 25, 2005, by Ernest C. Chen, Weizheng W. Wang, Tung-Sheng Lin, Guancai Zhou, and Joseph Santoru, which is a National Stage Application of PCT US03/32264, filed October 10, 2003, which claims priority to Provisional Patent Application 60/421,331, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed October 25, 2002, by Ernest C. Chen, Weizheng W. Wang, Tung-

Sheng Lin, Guangcai Zhou, and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,631, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 25, 2005, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, which is a National Phase Application of PCT US03/33255, filed October 20, 2003, which claims priority to Provisional Patent Application 60/421,328, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed October 25, 2002, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,619, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATIONS," filed on April 25, 2005, by Ernest C. Chen, which is a National Phase Application of PCT Application US03/32800, filed October 16, 2003, which claims priority to Provisional Patent Application 60/421,288, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATION," filed October 25, 2002, by Ernest C. Chen and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524,

Application Serial No. 10/532,524, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed on April 25, 2005, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungeon Oh, which is a National Phase Application of PCT Application US03/31199, filed October 3, 2003, which claims priority to Provisional Patent Application 60/421,332, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed October 25, 2002, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungeon Oh, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524, and also claims priority to ;

Application Serial No. 10/532,582, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN

LAYERED MODULATION SYSTEMS,” filed on April 25, 2005, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, now issued as U.S. Patent No. 7,173,977, which is a National Stage Application of PCT Application US03/32751, filed October 15, 2003, which claims priority to Provisional Patent Application 60/421,333, entitled “METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN LAYERED MODULATION SYSTEMS,” filed October 25, 2002, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,509, entitled “ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER,” filed on April 25, 2005, by Ernest C. Chen and Shamik Maitra, now issued as U.S. Patent No. 7,230,480, which is a National Stage Application of PCT Application US03/33130 filed October 17, 2003, and which claims priority to Provisional Patent Application 60/421,289, entitled “ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER,” filed October 25, 2002, by Ernest C. Chen and Shamik Maitra, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,322, entitled “IMPROVING HIERARCHICAL 8PSK PERFORMANCE,” filed on December 23, 2004 by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/020862 filed July 1, 2003, which claims priority to Provisional Patent Application 60/392,861, filed July 1, 2002 and Provisional Patent Application 60/392,860, filed July 1, 2002, and which is also related to Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,375, entitled “METHOD AND APPARATUS FOR LAYERED MODULATION,” filed on July 3, 2003, by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/20847, filed July 3, 2003, which claims priority to Provisional Patent Application 60/393,437 filed July 3, 2002, and which is related to Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524; and

Serial No. 10/692,491

Application Serial No. 10/692,539, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION", filed October 24, 2003, by Ernest C. Chen, which claims priority from Provisional Patent Application 60/421,291, filed October 25, 2002, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION".

REMARKS

I. INTRODUCTION

In conjunction with the filing of a Request for Continued Examination, please amend the specification as indicated above. Claims 1-4, 6-13, 15-21, and 23-26 remain in the application. No new matter has been added. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CROSS REFERENCE TO RELATED APPLICATIONS

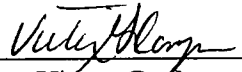
Upon review of several cases in light of upcoming rule changes at the United States Patent and Trademark Office, Applicants attorneys noted that several cases may be related to the present application. In order to comply with the new rules and with other requirements, such cases have been identified without incorporating the related cases by reference. Hence, no new matter has been added. The Examiner is encouraged to review these cases for related art, and actions although Applicant believes that all art and publications material to patentability to the present application has been cited during prosecution of this application.

III. CONCLUSION

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: November 20, 2007

By: 
Name: Victor G. Cooper
Reg. No.: 39,641

The DIRECTV Group, Inc.
CA/LA1/A109
2230 E. Imperial Highway
P. O. Box 956
El Segundo CA 90245-0956

Telephone No.: (310) 964-0735

EX. HO -

10/692,491

FAX TO - 571-273-3147

SPOKE W/ EX. HO REGARDING MISSING RCE.

HE REQUESTED THAT WE FAX TO HIM THE RCE
SO HE COULD DISCUSS WITH HIS SUPERVISOR TOMORROW.

GAVE EX. HO A RETURN PHONE 310-964-0735 SO
HE COULD CALL WITH FURTHER INSTRUCTIONS.

Julia Al 1/10/08

1-14-07 EX. HO RETURNED CALL & INDICATED
THAT THE SECOND RCE FILING WAS BEING
DOCKETED. ~~10~~

copy

Shibata, Janet E

From: Jason Feldmar [jfeldmar@gates-cooper.com]
Sent: Tuesday, May 06, 2008 9:18 AM
To: duc.ho@uspto.gov
Cc: Lum, Karen L; Shibata, Janet E; Victor G. Cooper
Subject: Our Ref. 109.93-US-U1/PD-201150; Serial Number 10/692,491

Examiner Ho,

Thank you for speaking with me this morning. Per your request, the following summarizes the status:

- (1) A Notice of Allowance was mailed on 9/6/07;
- (2) An RCE (which included a preliminary amendment to the specification) was fax filed by Applicants on 11/1/07;
- (3) A Notice of Improper RCE was mailed by the PTO on 11/8/07 for failure to submit the fee;
- (4) A new RCE that included the fee was fax filed on 11/20/07;
- (5) According to PAIR, the 11/20/07 RCE has not yet been entered into the system;
- (6) A copy of the filed 11/20/07 RCE (along with PTO fax confirmation receipt) was faxed to you on 1/10/08.

In view of the above, we would appreciate any efforts on your behalf to have the timely filed RCE entered into the system.

If you have any questions, please do not hesitate to contact me.

Thank you for your help,
- Jason Feldmar (Reg. No. 39,187)

Jason S. Feldmar
Gates & Cooper LLP
Howard Hughes Center
6701 Center Drive West, Suite 1050
Los Angeles, California 90045
(310) 642-4141 (Direct)
(310) 641-8797 (Main)
(310) 641-8798 (Fax)

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06/12/2008 15:33 FAX 3109640941		DIRECTV PATENT/PS		001/017	
FAX COVER SHEET					
PLEASE CONFIRM RECEIPT OF THIS FACSIMILE					
Attention:	MAIL STOP RCE Group Art Unit: 2619 Examiner: HO, Duc Chi		Fax:	(571) 273-8300	
			Phone:	(571) 272-6706	
UNITED STATES PATENT AND TRADEMARK OFFICE					
Pages:	Cover + 2 + 3 + 2 + 9 = 17		Date:	November 20, 2007	
From:	Todd N. Snyder		Fax:	(310) 964-0941	
	Attorney for Applicant		Phone:	(310) 964-0560	
<p>The information contained in this facsimile is confidential and may also contain privileged attorney-client information or work product. The information is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by telephone, and return the original message to us at the address below via the U.S. Postal Service. Thank you.</p>					
CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8					
<p>I hereby certify that this correspondence identified below is being facsimile transmitted to (571) 273-8300 (Centralized Facsimile Number), addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 12, 2008.</p>					
 Karen L. Lum Telephone No. (310) 964-035 (Printed Name of Person Signing Certificate)			June 12, 2008 (Date of Signature)		
Attention: Commissioner for Patents			Attorney Docket No. PD-201150		
Please find attached Re:					
Serial No.: 10/692,491			Filing Date: October 24, 2003		
<ul style="list-style-type: none"> > Request to Consider RCE Filing (2 pages) > Copy of Previously Transmitted RCE and Amendment (15 pages) 					
<p>If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.</p>					
The DirecTV Group, Inc., CA/LA1/A109, P. O. Box 956, El Segundo CA 90246					
PAGE 1/17 * RCVD AT 6/12/2008 6:32:50 PM (Eastern Daylight Time) * EPR:USPTO-EFAXF-6/1 * DNRB:2728309 * CROD:3109640941 * DURATION (mm:ss):04:16					

 *** TX REPORT ***

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TX/RX NO 0710
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Attention:	MAIL STOP RCE Group Art Unit: 2619 Examiner: HO, Duc Chi	Fax: (571) 273-8300 Phone: (571) 272-6706
UNITED STATES PATENT AND TRADEMARK OFFICE		
Pages:	Cover + 2 + 3 + 2 + 9 = 17	Date: November 20, 2007
From:	Todd N. Snyder	Fax: (310) 964-0941
	Attorney for Applicant	Phone: (310) 964-0560

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CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8

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 Karen L. Lum

June 12, 2008
 (Date of Signature)

Telephone No. (310) 964-035 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No. 10/692 491

EXHIBIT XI

Filing Date: October 24 2003

FAX COVER SHEET

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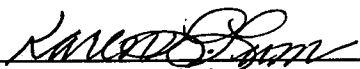


Attention:	MAIL STOP RCE Group Art Unit: 2619 Examiner: HO, Duc Chi	Fax: (571) 273-8300 Phone: (571) 272-6706
UNITED STATES PATENT AND TRADEMARK OFFICE		
Pages:	Cover + 2 + 3 + 2 + 9 = 17	Date: November 20, 2007
From:	Todd N. Snyder	Fax: (310) 964-0941
	Attorney for Applicant	Phone: (310) 964-0560

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Karen L. Lum

June 12, 2008
(Date of Signature)

Telephone No. (310) 964-035 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692,491

Filing Date: October 24, 2003

- Request to Consider RCE Filing (2 pages)
- Copy of Previously Transmitted RCE and Amendment (15 pages)

If you do not receive all pages, or pages are not clear, please call Karen Lum at (310) 964-0735.

The DirecTV Group, Inc., CA/LA1/A109, P. O. Box 956, El Segundo CA 90245

CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 12, 2008 (date of transmission) by Karen L. Lum (Name of Transmitter)


Karen L. Lum (Signature)

June 12, 2008
(Date of Signature)

Customer Number 020991

Patent
Docket No. PD-201150

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Date: June 12, 2008

Ernest C. Chen

Serial No. 10/692,491

Group Art Unit: 2619

Filed: October 24, 2003

Examiner: Duc Chi Ho

For: ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT

**NOTIFICATION TO THE PTO OF PREVIOUSLY FILED
CORRESPONDENCE ADDRESSED TO MAIL STOP RCE
PURSUANT TO MPEP SECTION 512 AND 37 CFR §1.8(b)**

Mail Stop RCE
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir,

Applicant filed a Request for Continued Examination (RCE) with applicant's Deposit Account Number for charging purposes and the required box checked for required RCE fee, with an accompanying amendment via facsimile transmission on November 20, 2007. A PTO Auto Reply Receipt was received back indicating that this correspondence had been successfully received. To date,

applicant's deposit account has not been charged for this filing, nor, does PAIR show receipt of the 'RCE' filing of November 20, 2007.

Applicant respectfully requests that the RCE filing of November 20, 2007, be duly considered.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Todd N. Snyder", is written over a horizontal line.

Todd N. Snyder, Registration No. 41,320
Attorney for Applicant

Date: June 12, 2008

The DIRECTV Group, Inc.
CA / LA1 / A109
2230 E. Imperial Highway
El Segundo, CA 90245-0956

Telephone: 310-964-0560

Facsimile: 310-964-0941

Email: tnsnyder@directv.com

Auto-Reply Facsimile Transmission



TO: Fax Sender at 3109640941

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Total Pages:

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12 (including cover page)

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11/20/2007 17:51 FAX 3109640941		DIRECTV PATENTS		0001/012	
FAX COVER SHEET					
PLEASE CONFIRM RECEIPT OF THIS FACSIMILE					
Attention:	MAIL STOP RCE Group Art Unit: 2616 Examiner: HO, Duc Chi		Fax:	(571) 273-8300	
UNITED STATES PATENT AND TRADEMARK OFFICE			Phone:	(571) 272-3147	
Pages:	Cover + 2 + 9 = 12		Date:	November 20, 2007	
From:	Victor G. Cooper		Fax:	(310) 964-0941	
			Phone:	(310) 964-0735	
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CERTIFICATION OF FACSIMILE TRANSMISSION UNDER 37 CFR 1.8					
<p>I hereby certify that this correspondence identified below is being facsimile transmitted to (571) 273-8300 (Centralized Facsimile Number), addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 145, Alexandria, VA 22313-1450, on November 20, 2007.</p>					
 Karen L. Linn Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)			November 20, 2007 (Date of Signature)		
Attention: Commissioner for Patents			Attorney Docket No. PD-201150		
Please find attached Re:					
Serial No.: 10/692,491		Filing Date: 10-24-2003			
> REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)					
> PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (3) pages)					
If you do not receive all pages, or pages are not clear, please call Karen Linn at (310) 964-0735.					
The DirecTV Group, Inc., CA/LA1/A109, P. O. Box 966, El Segundo CA 90245					
PAGE 1/12 * RCVD AT 11/20/2007 8:51:55 PM [Eastern Standard Time] * SVR:USPTO-EFAXF-516 * DNS:2738300 * CSID:3109640941 * DURATION (mm:ss):02:11					

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TX/RX NO 0240
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UNITED STATES PATENT AND TRADEMARK OFFICE		Phone:	(571) 272-3147
Pages:	Cover + 2 + 9 = 12	Date:	November 20, 2007
From:	Victor G. Cooper	Fax:	(310) 964-0941
		Phone:	(310) 964-0735

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Karen L. Lum

November 20, 2007
 (Date of Signature)

Telephone No. (310) 964-0735 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

EXHIBIT XI

FAX COVER SHEET

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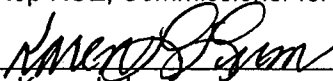


Attention:	MAIL STOP RCE Group Art Unit: 2616 Examiner: HO, Duc Chi	Fax:	(571) 273-8300
UNITED STATES PATENT AND TRADEMARK OFFICE		Phone:	(571) 272-3147
Pages:	Cover + 2 + 9 = 12	Date:	November 20, 2007
From:	Victor G. Cooper	Fax:	(310) 964-0941
		Phone:	(310) 964-0735

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Karen L. Lum

November 20, 2007
(Date of Signature)

Telephone No. (310) 964-0736 (Printed Name of Person Signing Certificate)

Attention: Commissioner for Patents

Attorney Docket No. PD-201150

Please find attached Re:

Serial No.: 10/692,491

Filing Date: 10-24-2003

- REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL FORM PTO/SB/30 (1 page in duplicate)
- PRELIMINARY AMENDMENT UNDER 37 CFR 1.115 (9 pages)

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Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	10/692,491
Filing Date	OCTOBER 24, 2003
First Named Inventor	ERNEST C. CHEN
Art Unit	2619
Examiner Name	DUC C. HO
Attorney Docket Number	201150

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____

ii. ☐ Other _____

b. ☒ Enclosed

i. ☒ Amendment/Reply

iii. ☐ Information Disclosure Statement (IDS)

ii. ☐ Affidavit(s)/ Declaration(s)

iv. ☐ Other _____

2. Miscellaneous

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

The Director is hereby authorized to charge the following fees, any underpayment of fees, or credit any overpayments, to Deposit Account No. 50-0383. I have enclosed a duplicate copy of this sheet.

i. ☒ RCE fee required under 37 CFR 1.17(e)

ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)

iii. ☐ Other _____

b. ☐ Check in the amount of \$ _____ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Victor G. Cooper</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	VICTOR G. COOPER	Registration No.	39, 641

CERTIFICATE OF MAILING OR TRANSMISSION

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Signature	<i>Karen L. Lum</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	KAREN L. LUM		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Request for Continued Examination (RCE) Transmittal

Address to:
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Alexandria, VA 22313-1450

Application Number	10/692,491
Filing Date	OCTOBER 24, 2003
First Named Inventor	ERNEST C. CHEN
Art Unit	2619
Examiner Name	DUC C. HO
Attorney Docket Number	201150

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- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/ Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

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- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Victor G. Cooper</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	VICTOR G. COOPER	Registration No.	39, 641

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Signature	<i>Karen L. Lum</i>	Date	NOVEMBER 20, 2007
Name (Print/Type)	KAREN L. LUM		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Ernest C. Chen	Examiner:	Duc C. Ho
Serial No.:	10/692,491	Group Art Unit:	2619
Filed:	10-24-2003	Docket:	PD-201150
Title:	ONLINE OUTPUT MULTIPLEXER FILTER MEASUREMENT		

CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence is being filed via facsimile transmission to the U.S. Patent and Trademark Office on November 20, 2007.

By: 
Name: Karen L. Lum

PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In conjunction with the filing of a Request for Continued Examination, prior to a first Office Action, please amend the above-identified application as follows:

IN THE SPECIFICATION

Please amend the specification as follows:

Please insert the following at page 1, line 14:

This Application is related to the following applications:

Application Serial No. 11/653,517, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on January 16, 2007, by Ernest C. Chen, which is a continuation of application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/165,710, entitled "SATELLITE TWTA ON-LINE NON-LINEARITY MEASUREMENT," filed on June 7, 2002, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/236,414, entitled "SIGNAL, INTERFERENCE AND NOISE POWER MEASUREMENT," filed on September 6, 2002, by Ernest C. Chen and Chinh Tran, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,135, entitled "LAYERED MODULATION FOR ATSC APPLICATIONS," filed on October 24, 2003, by Ernest C. Chen, which claims benefit to Provisional Patent Application 60/421,327, filed October 25, 2002 and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/913,927, entitled "CARRIER TO NOISE RATIO ESTIMATIONS FROM A RECEIVED SIGNAL," filed on August 5, 2004, by Ernest C. Chen, which is a continuation in part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial Number 11/619,173, entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed January 2, 2007, which is a continuation of Application Serial No. 10/068,039,

entitled "PREPROCESSING SIGNAL LAYERS IN LAYERED MODULATION DIGITAL SIGNAL SYSTEM TO USE LEGACY RECEIVERS," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru now issued as U.S. Patent No. 7,245,671, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/693,421, entitled "FAST ACQUISITION OF TIMING AND CARRIER FREQUENCY FROM RECEIVED SIGNAL," filed on October 24, 2003, by Ernest C. Chen, now issued as U.S. Patent No. 7,151,807, which claims priority to Provisional Patent Application Serial No. 60/421,292, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/603,776, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on November 22, 2006, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, which is a continuation of Application Serial No. 10/068,047, entitled "DUAL LAYER SIGNAL PROCESSING IN A LAYERED MODULATION DIGITAL SIGNAL SYSTEM," filed on February 5, 2002, by Ernest C. Chen, Tiffany S. Furuya, Philip R. Hilmes, and Joseph Santoru, now issued as U.S. Patent No. 7,173,981, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/691,032, entitled "UNBLIND EQUALIZER ARCHITECTURE FOR DIGITAL COMMUNICATION SYSTEMS," filed on October 22, 2003, by Weizheng W. Wang, Tung-Sheng Lin, Ernest C. Chen, and William C. Lindsey, which claims priority to Provisional Patent Application Serial No. 60/421,329, filed October 25, 2002, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/962,346, entitled "COHERENT AVERAGING FOR MEASURING TRAVELING WAVE TUBE AMPLIFIER NONLINEARITY," filed on October 8, 2004, by Ernest C. Chen, which claims priority to Provisional Patent Application Serial No. 60/510,368, filed October 10, 2003, and which is a continuation-in-part of Application Serial No.

09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/655,001, entitled "AN OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on January 18, 2007, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, attorney's docket number PD-202128A, which claims priority to Provisional Patent Application 60/421,293, filed October 25, 2002, and which is a continuation of Application Serial No. 10/693,140, entitled "OPTIMIZATION TECHNIQUE FOR LAYERED MODULATION," filed on October 24, 2003, by Weizheng W. Wang, Guancai Zhou, Tung-Sheng Lin, Ernest C. Chen, Joseph Santoru, and William Lindsey, now issued as U.S. Patent No. 7,184,489, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 11/656,662, entitled "EQUALIZERS FOR LAYERED MODULATION AND OTHER SIGNALS," filed on January 22, 2007, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, which claims priority to Provisional Patent Application 60/421,241, filed October 25, 2002, and which is a continuation of Application Serial No. 10/691,133, entitled "EQUALIZERS FOR LAYERED MODULATED AND OTHER SIGNALS," filed on October 22, 2003, by Ernest C. Chen, Tung-Sheng Lin, Weizheng W. Wang, and William C. Lindsey, now issued as U.S. Patent No. 7,184,473, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/961,579, entitled "EQUALIZATION FOR TWTA NONLINEARITY MEASUREMENT" filed on October 8, 2004, by Ernest C. Chen, which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,632, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed on April 25, 2005, by Ernest C. Chen, Weizheng W. Wang, Tung-Sheng Lin, Guancai Zhou, and Joseph Santoru, which is a National Stage Application of PCT US03/32264, filed October 10, 2003, which claims priority to Provisional Patent Application 60/421,331, entitled "LOWER COMPLEXITY LAYERED MODULATION SIGNAL PROCESSOR," filed October 25, 2002, by Ernest C. Chen, Weizheng W. Wang, Tung-

Sheng Lin, Guangcai Zhou, and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,631, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 25, 2005, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, which is a National Phase Application of PCT US03/33255, filed October 20, 2003, which claims priority to Provisional Patent Application 60/421,328, entitled "FEEDER LINK CONFIGURATIONS TO SUPPORT LAYERED MODULATION FOR DIGITAL SIGNALS," filed October 25, 2002, by Paul R. Anderson, Joseph Santoru and Ernest C. Chen, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,619, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATIONS," filed on April 25, 2005, by Ernest C. Chen, which is a National Phase Application of PCT Application US03/32800, filed October 16, 2003, which claims priority to Provisional Patent Application 60/421,288, entitled "MAXIMIZING POWER AND SPECTRAL EFFICIENCIES FOR LAYERED AND CONVENTIONAL MODULATION," filed October 25, 2002, by Ernest C. Chen and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524,

Application Serial No. 10/532,524, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed on April 25, 2005, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungeon Oh, which is a National Phase Application of PCT Application US03/31199, filed October 3, 2003, which claims priority to Provisional Patent Application 60/421,332, entitled "AMPLITUDE AND PHASE MATCHING FOR LAYERED MODULATION RECEPTION," filed October 25, 2002, by Ernest C. Chen, Jeng-Hong Chen, Kenneth Shum, and Joungeon Oh, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled "LAYERED MODULATION FOR DIGITAL SIGNALS," filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524, and also claims priority to ;

Application Serial No. 10/532,582, entitled "METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN

LAYERED MODULATION SYSTEMS,” filed on April 25, 2005, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, now issued as U.S. Patent No. 7,173,977, which is a National Stage Application of PCT Application US03/32751, filed October 15, 2003, which claims priority to Provisional Patent Application 60/421,333, entitled “METHOD AND APPARATUS FOR TAILORING CARRIER POWER REQUIREMENTS ACCORDING TO AVAILABILITY IN LAYERED MODULATION SYSTEMS,” filed October 25, 2002, by Ernest C. Chen, Paul R. Anderson and Joseph Santoru, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/532,509, entitled “ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER,” filed on April 25, 2005, by Ernest C. Chen and Shamik Maitra, now issued as U.S. Patent No. 7,230,480, which is a National Stage Application of PCT Application US03/33130 filed October 17, 2003, and which claims priority to Provisional Patent Application 60/421,289, entitled “ESTIMATING THE OPERATING POINT ON A NONLINEAR TRAVELING WAVE TUBE AMPLIFIER,” filed October 25, 2002, by Ernest C. Chen and Shamik Maitra, and which is a continuation-in-part of Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,322, entitled “IMPROVING HIERARCHICAL 8PSK PERFORMANCE,” filed on December 23, 2004 by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/020862 filed July 1, 2003, which claims priority to Provisional Patent Application 60/392,861, filed July 1, 2002 and Provisional Patent Application 60/392,860, filed July 1, 2002, and which is also related to Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524;

Application Serial No. 10/519,375, entitled “METHOD AND APPARATUS FOR LAYERED MODULATION,” filed on July 3, 2003, by Ernest C. Chen and Joseph Santoru, which is a National Stage Application of PCT US03/20847, filed July 3, 2003, which claims priority to Provisional Patent Application 60/393,437 filed July 3, 2002, and which is related to Application Serial No. 09/844,401, entitled “LAYERED MODULATION FOR DIGITAL SIGNALS,” filed on April 27, 2001, by Ernest C. Chen, now issued as U.S. Patent No. 7,209,524; and

Serial No. 10/692,491

Application Serial No. 10/692,539, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION", filed October 24, 2003, by Ernest C. Chen, which claims priority from Provisional Patent Application 60/421,291, filed October 25, 2002, entitled "ON-LINE PHASE NOISE MEASUREMENT FOR LAYERED MODULATION".

REMARKS

I. INTRODUCTION

In conjunction with the filing of a Request for Continued Examination, please amend the specification as indicated above. Claims 1-4, 6-13, 15-21, and 23-26 remain in the application. No new matter has been added. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CROSS REFERENCE TO RELATED APPLICATIONS

Upon review of several cases in light of upcoming rule changes at the United States Patent and Trademark Office, Applicants attorneys noted that several cases may be related to the present application. In order to comply with the new rules and with other requirements, such cases have been identified without incorporating the related cases by reference. Hence, no new matter has been added. The Examiner is encouraged to review these cases for related art, and actions although Applicant believes that all art and publications material to patentability to the present application has been cited during prosecution of this application.

III. CONCLUSION

It is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicant's undersigned attorney.

Respectfully submitted,

Date: November 20, 2007

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Deposit Account Statement

Requested Statement Month: November 2007
Deposit Account Number: 500383
Name: HUGHES ELECTRONICS CORP
Attention: KAREN L LUM
Street Address 1: BLDG RE/R11/A109
Street Address 2: PO BOX 956
City: EL SEGUNDO
State: CA
Zip: 90245-0956
Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
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11/19 20 10400726	PD-202123 1801	\$810.00	\$48,407.00
11/19 34 10971509	PD-203081 1801	\$810.00	\$47,597.00
11/19 7 09858387	PD-201006A 1806	\$180.00	\$47,417.00

11/19	12386	60838913	PD-206042	8007	\$40.00	\$47,377.00
11/20	10945	60874346	PD-206069	8007	\$100.00	\$47,277.00
11/21	11768	11853758	PD-207079	1462	\$400.00	\$46,877.00
11/23	952	11853758	PD-207079	8021	\$40.00	\$46,837.00
11/23	4380	11824664	PD-206033	1051	\$130.00	\$46,707.00
11/23	4381	11824664	PD-206033	1252	\$460.00	\$46,247.00
11/26	1	09492725	PD-980142	1201	\$210.00	\$46,037.00
11/26	2	09492725	PD-980142	1202	\$250.00	\$45,787.00
11/26	23	11820205	PD-205012	1251	\$120.00	\$45,667.00
11/26	24	11820205	PD-205012	1253	\$930.00	\$44,737.00
11/27	33	09677691	PD-200017	1806	\$180.00	\$44,557.00
11/28	4759	11945868	PD-207032	1011	\$310.00	\$44,247.00
11/28	4760	11945868	PD-207032	1111	\$510.00	\$43,737.00
11/28	4762	11945868	PD-207032	1202	\$400.00	\$43,337.00
11/28	4761	11945868	PD-207032	1311	\$210.00	\$43,127.00
11/28	6802	11945868	PD-207032	8021	\$40.00	\$43,087.00
11/28	34	10236414	PD-200291	1251	\$120.00	\$42,967.00
11/28	1	10400726	PD-202123	1201	\$630.00	\$42,337.00
11/28	32	11036477	PD-980024B	1806	\$180.00	\$42,157.00
11/29	4185	11929373	PD-207102	8021	\$40.00	\$42,117.00
11/29	4274	11929252	PD-207101	8021	\$40.00	\$42,077.00
11/29	41	09565785	PD-970423	1806	\$180.00	\$41,897.00
11/29	42	11298435	PD-Y95006D	1402	\$510.00	\$41,387.00
11/29	8954	09661967	PD-200108	1463	\$200.00	\$41,187.00
11/29	45	11871983	PD-207107	1051	\$130.00	\$41,057.00
11/29	1	09620772	PD-200045	1806	\$180.00	\$40,877.00
11/29	61	11820205	PD-205012	1251	-\$120.00	\$40,997.00
11/29	62	11820205	PD-205012	1251	-\$120.00	\$41,117.00
11/29	13084	10758818	PD-200292	1202	\$200.00	\$40,917.00
11/29	13085	10758818	PD-200292	1251	\$120.00	\$40,797.00
11/30	3118	11649480	PD-990212A	1814	\$130.00	\$40,667.00
11/30	5276	11947564	PD-204037	1011	\$310.00	\$40,357.00
11/30	5278	11947564	PD-204037	1311	\$210.00	\$40,147.00
11/30	5277	11947564	PD-204037	1111	\$510.00	\$39,637.00
11/30	26	11830755	PD-206082	1051	\$130.00	\$39,507.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$97,802.00	\$58,535.00	\$240.00	\$39,507.00

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